

AND NOW, THIS 1st DAY OF DECEMBER, 2015, IT APPEARING TO THE COURT

THAT:

[2] On August 26, 2015, Plaintiff filed, what we liberally construe as, a motion for a preliminary injunction, and supporting documents (Docs. 14-16). Defendants responded by filing a motion to strike Plaintiff's motion (Doc. 17), which the Magistrate Judge denied in a separate order (Doc. 35);

[4] The Magistrate Judge issued a Report and Recommendation (Doc. 36), on November 3, 2015, recommending that Plaintiff's motion for a preliminary injunction be denied without prejudice;

[5] Specifically, the Magistrate Judge found that Plaintiff did not exhaust his administrative remedies, as the events alleged in Plaintiff's motion occurred six days prior to filing the instant motion. The Magistrate Judge also found that the pending motion to dismiss raises substantial legal challenges to some or all of Plaintiff's claims, and that Plaintiff's motion

for a preliminary injunction involves assessment of the ultimate merits of Plaintiff's case.

[6] Plaintiff has failed to file timely objections to the Magistrate Judge's Report and Recommendation;¹

AND, IT FURTHER APPEARING THAT:

[7] If no objections are filed to a Magistrate Judge's Report and Recommendation, the Plaintiff is not statutorily entitled to a *de novo* review of his claims. 28 U.S.C.A. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

[8] We have considered the Magistrate Judge's report and we concur with his recommendation. We agree that Plaintiff's motion for a preliminary injunction should be dismissed without prejudice to renewal once Plaintiff has fully exhausted his administrative remedies.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

[1] The Report and Recommendation of Magistrate Judge Martin C. Carlson dated November 3, 2015 (Doc. 36) is **ADOPTED**;

[2] Plaintiff's motion for a preliminary injunction (Doc. 14) is **DENIED WITHOUT PREJUDICE**; and

[3] The Clerk of Court is directed to **FORWARD** a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge

¹ We note that the Report and Recommendation was returned undelivered as "Addressee Temporarily Absent." A search of the Department of Corrections inmate locator showed the address for the Plaintiff was correct.